Laboratory Certification Standards Review Council Meeting Minutes From 05/04/2010

Attendance

Council Members: Dave Kliber (Chair), Sue Hill (Vice-Chair), Chris Groh, Kirsti Sorsa, Randy Thater, Judy Tholen.   Absent: Steve Jossart. *Chris Groh via LiveMeeting link*

DNR Staff: David Webb, Rick Mealy, Alfredo Sotomayor

Others in Attendance: Tom Hungerford (S-F Analytical) and Tom Priebe (Northern Lake Service) *via LiveMeeting link*

Summary and Action Items

At this meeting the Certification Standards Review Council:
- o   approved minutes of its February 10, 2010 meeting,
- o   reviewed program audit performance,
- o   approved Judy Tholen for a second 3-year term as representative for small wastewater facilities, and
- o   tentatively scheduled the Council's next meeting for Tuesday, August 10, 2010.

Agenda Items

I. Check in/Agenda Repair
   A. No modifications to the agenda were required.

II, Review and Approval of Draft Minutes from 2-11-09 Meeting
   A. A motion to approve the minutes with several minor changes discussed during the meeting was approved *(Thater/Sorsa)*.

III. Program Audit Status Report- for FY10 Year-to-Date
   A. Rick Mealy presented Council members with program audit statistics and backlog information.

   B. Mealy highlighted the following aspects of program performance:
   AUDIT GOALS
   - ► For the Commercial/Public Health sector, while closures are well ahead of pace to achieve program goals, audits (-30%) and reports (-40%) are significantly behind the pace.
   - ► Municipal/Industrial audit and report numbers (-6% and -9% respectively) are just slightly behind pace. Closures improved from -25% to only10% below expected pace.
   - ► The program has performed eight (8) unanticipated audits due to new lab applications. In addition, two (2) required a follow-up audit. These audits make it more difficult to achieve our annual targets. In fact, for the commercial/health lab sector, these "unplanned" audits represented 23% of the annual audit goal.

   REPORT TURNAROUND TIME (TAT)
   - ► Only 55% of reports released in FY2010 have been issued w/in 30 days. Since 9/1/2008, for all reports issued, the program stands at 62% within the 30 days specified in NR 149.31.
   - ► Mealy noted that while report turnaround time has struggled, there has been a tradeoff as efforts have been focused on closing old cases.
   - ► Using a 45 day benchmark for report turnaround, compliance level is at 75% (61% Commercial/Health; 80% Municipal/Industrial).
   - ► Using a 60 day benchmark for report turnaround, compliance level is at 84%; 16% of reports still do not meet the 30 day window.
   - ► 10% of all reports take at least 90 days until release.
   - ► The "national" standard (NELAP/TNI) is a 30-day TAT for audit reports

   BACKLOG AGING REPORT
   - ► For Commercial/Public Health labs, the plot shows us about 8-10 labs behind pace. The difference between labs due in FY11 and the FY11 goal gives us little room to move. There are only 9 "overdue" labs (1 being audited now); historically the program had as many as 15-20 at this point.
   - ► The Municipal/Industrial labs look to be in good shape with only 7 "overdue" labs (previously 25-35).

FY2010 Cumulative Totals

	CENTRAL OFFICE			REGIONAL		
	Total YTD	Goals		Total YTD	Goals	(*Goals based on audit every 3 years*)
Audits	21	35		76	97	
Reports	18	35		71	97	
Closures	31	35		67	97	
Reports Due	12			9		
Open Cases	21			55		

FY2010 Quarterly Totals

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter

CENTRAL OFFICE

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Audits	7	7	5	2
Reports	8	6	4	0
Closures	17	10	2	3
	AUG	NOV	FEB	MAY
Pending Reports	7	8	8	12
Open Cases	23	21	19	21

REGIONAL

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Audits	25	25	20	6
Reports	20	25	23	3
Closures	21	14	26	6
Pending Reports	8	9	11	9
Open Cases	40	56	63	55

Total Labs by Responsibility		8/1/09	2/1/09	5/1/08	11/15/07	8/1/07
CO	Central Office	103	109	110	113	118
RC	Regional/Central	-----	-----	-----	-----	-----
NE	Northeast	60	62	65	65	66
NO	Northern	29	29	31	31	31
WC	West Central	63	60	62	61	61
SC	South Central	71	74	75	75	75
SE	Southeast	68	69	69	69	69
Total Regional		**291**	**295**	**302**	**301**	**302**
Total Audit Responsibility		394	404	414	420	423
O	Other/Reciprocity	8	8	7	7	8

C. Council members expressed ongoing concern about overdue reports and the number of open cases. During the ensuing discussion, members wondered if our program is being more diligent than other certification programs such as the "NELAC Institute" (TNI). Dave Webb commented that, based on auditor feedback, Wisconsin audits tend to focus more intensely on method and bench concerns, whereas NELAC audits tend to focus more on documentation. Sue Hill indicated that from her experiences, NELAC actually does focus intently on bench level activities.

D. Sue Hill commented that we tend to look at time to report and time to closure, but the program perhaps should consider the need to look at the laboratory response time.

E. With respect to overdue reports and open cases, Dave Kliber asked if the program is allowed to "incentivize" audit staff to better meet program targets. Dave Webb responded that with the union contract that likely would be a problem. Given the economic climate, even if it were possible to do so, it would still be unlikely that anything like that could be implemented.

F. Kliber closed the discussion by asking if there was anything the Council can do to assist in meeting program goals. In response, Webb asked that the Council keep communicating its concerns to us and continue to reinforce on us the need to keep up with the Code. Webb said that he looked forward to closing the fiscal year on a high note.

IV. Budget Variance Report

	ACTUAL	BUDGET	% of BUDGET
Salary	$ 206,358	$ 371,977	55.5%
Fringe	$ 100,269	$ 180,744	55.5%
Supplies and IT	$ 30,239	$ 84,100	36.0%

A. Dave Webb reported that 55% of the salary/fringe budget has been spent, but the data is about a month old at this point. He noted that the fiscal year budget includes about 6 months worth of salary for the Drinkman vacancy, so the program will end up under budget. The data for supplies is more recent (end of April) and while the expenditures to-date appears low, this area of the budget suffers from unequal distribution. Things like IT charges are not often billed until the end of the fiscal year.

B. Dave Kliber thanked Webb and indicated that it's valuable to have this picture quarterly. Webb replied that this level of information is fairly easy to provide.

C. Kliber asked if there was any update on the state's plan to take $62K of LabCert's surplus. Webb responded that he has no other information to the contrary, so the plan remains to take the $62K.

V. Council Member Terms

A. It was noted that Judy Tholen's first term expires July 1, 2010. Council members voted to renew Ms. Tholen for a second 3-year term (Hill/Thater)..

B. The information presented erroneously indicated that Randy Thater's term also expires July 1, 2010. Mr. Thater's term expires July 1, 2011.

VI. Other Program & DNR Business

A. EPA Region V Conference call – Dave Webb reported that he and Rick Mealy recently participated in a conference call with the regional coordinator for state level drinking waster certification programs. Topics included refresher training for certification officers (auditors), staffing levels, and analytical support capabilities.

B. Vacancy Update – Webb recapped that since the last Council meeting, the Natural Resource Board approved our budget unanimously. The budget did not include funding for the vacancy, but the position remains on the books as unfilled. Until things stabilize, the plan is to hire and utilize an LTE. Webb has submitted a request to hire an LTE, but it has not yet been approved. Essentially, the program needs someone to perform simpler, smaller audits. There are sufficient funds in the program account to sustain an LTE for at least a couple of years.

- Dave Kliber commented that he feels the program is headed in the right direction. He's sensitive to keeping fees down, and funding a position would hike fees quickly.
- Sue Hill questioned the value of an LTE providing municipal audit support, since the backlog is greater for commercial labs. Rick Mealy responded that having an LTE audit some of the smaller municipal labs would free up Camille [Johnson], Dave [Ekern] and Tom [Trainor] to concentrate on addressing the growing commercial lab backlog. It's also far easier to find someone capable of auditing municipal labs with a minimum of training.
- Webb indicated that he would push harder for approval to hire an LTE and mention that he has full Council support to do so.

- Dave Kliber requested that the minutes reflect a Council directive to keep fees down but we need the staffing balance that enables us to achieve at least 90% compliance with the 30-dat turnaround time for audit reports.

C. <u>Program Feedback</u> – Dave Webb recounted a call the program recently received from representative of a firm that works extensively with labs in the state. The individual provided strong positive feedback for the program audit staff, noting specifically that a relationship that had historically been somewhat adversarial has become quite positive. Webb noted that in his 8 years with the program he also sees a change for the better. Webb added that while audit surveys are difficult to interpret scientifically, he maintains a very high rate of return and feedback from the surveys is largely very positive.

- Dave Kliber noted the approach the program and staff took with changes to NR 149 likely is a big part of the program's perception.
- Judy Tholen asked how long audit staff had been with the program, wondering if the positive feedback is reflective of auditor personalities. Webb responded that other than Dave Ekern and Tom Trainor (3 years) program staff members have been with the program at least 10 years.
- Sue Hill agreed with Tholen adding that stressing the need to help labs rather than look for things to cite goes a long way towards perceptions. She noted that many Council members have had experience with confrontational auditors.
- Dave Kliber added that the fact that staff are open to disagreement and willing to listen to contrary views are very positive things.

D. <u>Private Well Data Reporting</u> – Webb alerted the council that Ron Arneson had recently received information indicating that data for private wells would soon have to be reported electronically. Webb had nothing further to report, but noted that Arneson would be monitoring the issue.

E. <u>Operator Certification</u> – Dave Webb noted that exams for the operator certification program will be held tomorrow and there has been a sizable (20%) increase in the number of people taking the exams. About 650 people signed up where normally the number is closer to 500. He believes this is function of the economy as individuals are seeking new employment opportunities.

- Dave Kliber related that he is hearing good things about the job market, particularly water related. Kliber noted that the banking industry is experiencing the lowest level of commercial credit since 1946.

F. <u>Rule updates</u> – Dave Kliber asked about the status of NR140, NR 528, and NR809, all of which are in various stages of the code revision process. Kliber also asked if we would begin the process of re-opening NR149 sometime in 2010.

- Dave Webb responded that he and Rick Mealy have not had an opportunity to discuss re-opening NR 149, but those discussions will occur before next meeting and we could still re-open NR 149.

G. <u>LabCert Website</u> – Rick Mealy announced that the LabCert website has been significantly updated and improved over the last month or so and recommended that Council members check the site out.

VII. **Council Member Issues**
A. Sue Hill raised the issue of consistency among auditors. Hill noted that some auditors write up their own questions to ask while others simply rely on memory. Hill asked how the program is certain it has consistency if the program lacks consistency in checklists or audit questions.

Dave Webb, commenting that the program has only developed checklists for the major wastewater parameters, admitted that he didn't have a good response.

Hill wondered how even a very experienced auditor fares when auditing a large lab with a wide array of certifications and technologies. "*How can even an experienced auditor always remember everything*?", she asked. Webb assured Hill that routinely there are inter-Program exchanges centered on "How should we (…or even Can we…) cite _____". He added that we could work on technology specific key items.

Following a discussion about the value of checklists, Dave Kliber commented that this issue has been revisited a number of times during his tenure on the Council. He requested that Audit Consistency be made a standing agenda item.

VIII. **Next Meeting Date**
A. The next Council meeting was tentatively scheduled for Tuesday, August 10, 2010 at the DNR Science Operations Center (2801 Progress Road, Madison).